



Human Services Committee Public Hearing, March 8, 2022
Testimony of AARP Connecticut in **Support** of:

- H.B. 5332, AN ACT PROHIBITING HOME CARE AGENCY CONTRACTS THAT PENALIZE CLIENTS FOR DIRECTLY HIRING AGENCY STAFF
- H.B. 5333, AN ACT CONCERNING THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY
- S.B. 286, AN ACT CONCERNING DEADLINES FOR MANDATORY REPORTING OF SUSPECTED ELDER ABUSE AND PENALTIES FOR FAILURE TO REPORT

Good morning, Senator Moore, Representative Abercrombie, Ranking Members, and Members of the Human Services Committee. AARP is a nonpartisan, social mission organization with an age 50+ membership of nearly 38 million nationwide, and approximately 600,000 members here in Connecticut. AARP's mission is to help people choose how they live as they age, and an important component of choosing *how* you live as you age is choosing *where* you live as you age. We would like to express our support for two bills on your agenda today that promote choice and access for individuals who choose to receive long-term care in their homes and one bill that will implement some of the recommendations from a 2021 audit of Protective Services for the Elderly.

H.B. 5332, An Act Prohibiting Home Care Agency Contracts that Penalize Clients for Directly Hiring Agency Staff

A 2020 survey from AARP Research found that 81% of Connecticut residents would prefer to receive long-term supports and services (LTSS) in their own home rather than an assisted living facility or nursing home.¹ Home care agencies play an important role in keeping people in their homes as they age, and it is important for consumers to have meaningful choice and control over the services they receive.

H.B. 5332 would allow LTSS recipients to directly hire home care aides that they used through a home care agency without facing penalties. This provides both care recipients and direct care workers with more flexibility. The work involved in home care can be extremely personal, and it is important for care recipients to trust the workers who have access to their homes and bodies. If an LTSS recipient decides to hire a worker directly under terms that are agreeable to the worker, they should have the ability to do this.

The legislature already established the importance of flexibility in home care hiring decisions in 2019 when they passed PA-117, which made non-compete covenants for homemaker, companion, and home health services "void and unenforceable." Imposing high fines on consumers who directly hire agency staff has the same functional effect as a non-compete agreement. For these reasons, we support passage of H.B. 5332.

H.B. 5333, An Act Concerning the Program of All-Inclusive Care for the Elderly (Support)

¹ <https://doi.org/10.26419/res.00351.102>

The Program for All-inclusive Care for the Elderly (PACE) is the original long-term care program for those eligible for both Medicare and Medicaid. PACE programs can be found in 30 states and provide support to older adults who want to receive care in the community. As noted above, a majority of Connecticut residents want to receive care in their own home as they age.

PACE provides comprehensive long-term services and supports to Medicaid and Medicare enrollees age 55 and older. An interdisciplinary team of health professionals provides coordinated care and a package of services that include all Medicare and Medicaid services plus any service determined necessary by the interdisciplinary team. For most participants, the comprehensive service package enables them to receive care at home rather than receive care in a nursing home. Services are generally provided in an adult day health center setting. The PACE center provides primary care services, social services, restorative therapies, personal care and supportive services, nutritional counseling, recreational therapy, and meals with care coordinators responsible for providing additional off-site care.

H.B. 5333 would authorize the Department of Social Services to amend the Medicaid state plan to add the PACE. This would provide older adults with an additional option for community services and supports, and we support its passage.

S.B. 286, An Act Concerning Deadlines for Mandatory Reporting of Suspected Elder Abuse and Penalties for Failure to Report

Elder abuse takes many forms. It can be financial, physical, psychological, or a combination of these. It can take place at home or in an institutional setting. When it does occur, the consequences can be devastating.

At least one in ten adults over the age of 60 who live in the community experience some form of abuse each year, and the incidence of abuse is significantly higher for older adults who reside in institutions.² Like other forms of abuse, this often occurs in hidden circumstances and is underreported. A study sponsored by the National Institutes of Health estimated that only 1 in 14 cases of abuse is reported. Older adults who experience elder abuse are likely to number in the hundreds of thousands.

Mandated reporters have a duty to protect older adults, and they should take quick action to respond when they become aware of these situations. A 2021 audit of Protective Services for the Elderly recommended that, “the penalty for a first offense for not contacting the program within 72 hours should be changed to require that the mandated reporter retake the elder abuse training and provide the program with proof of successful completion of such training.”³ The audit also recommends that mandated reporters “make their reports to the Department of Social Services Protective Services for the Elderly Program as soon as practicable but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that an elder has been abused, neglected, exploited, abandoned, or requires protective services.”⁴ S.B. 286 would implement these suggestions.

While AARP does not endorse any specific reporting timelines or fines for failure to report elder abuse, we appreciate the Committee’s attention to this issue and agree that mandated reporters

² <https://ncea.acl.gov/What-We-Do/Research/Statistics-and-Data.aspx#prevalence>

³ https://wp.cga.ct.gov/apa/wp-content/cgacustom/reports/performance/performance_protective%20services%20for%20the%20elderly_20210811.pdf

⁴ *ibid*

should be encouraged to make reports in a timely manner. We also believe that it should not be difficult for mandated reporters to comply with their duties.

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